

FILED

AUG 15 2014


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

MICHAEL VERBURG, * CIV 14-4093

Petitioner, *

vs. * ORDER

J.S. WILLIS, Warden; and *
U.S. ATTORNEYS, Columbia, S.C., *

Respondents. *

*

The Report and Recommendation of Magistrate Judge Simko was filed on June 23, 2014, Doc. 4. Petitioner Verburg on June 30, 2014, and July 1, 2014, filed a variety of documents and on July 16, 2014, filed an additional document. Those documents are:

1. Doc. 5 is a discovery request which is not applicable to these proceedings and is denied.
2. Doc. 6 is a Supplemental Brief that states that the issue is a Motion to Withdraw the plea. Withdrawing the plea is not before this Court.
3. Doc. 7 is a letter to this Court which alleges a variety of claims that were decided against Petitioner by the United States District Court in South Carolina with its Opinion and Order on Petitioner's Motion under 28 U.S.C. § 2255 of May 24, 2011. See *Verburg v. United States*, 5:07-45, Doc. 144 (D.S.C. May 24, 2011).
4. Doc. 8 requested Emergency Injunctive Relief and release from this prison. Injunctive relief also is not the issue before this Court in this case. That request is also denied.
5. Doc. 9 is a Motion to Compel discovery and once again discovery is not the issue before the Court and is denied.
6. Doc. 10, filed July 16, 2014, was a "Complaint Special Prosecutor Requested". The subject is not before this Court and is denied.

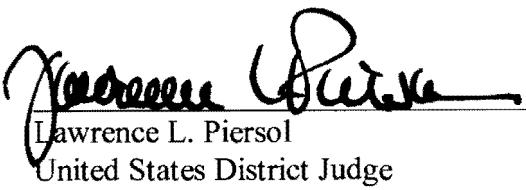
The Petitioner has raised nothing to counter the Findings and Conclusions in the Report and Recommendation of Magistrate Judge Simko. This Court separately finds that this Petitioner has failed to maintain his burden to show a remedy under § 2255 is inadequate or ineffective. This Court is therefore without jurisdiction to entertain Petitioner's § 2241 claims, and

IT IS ORDERED:

1. That the Petitioner's Objections (Doc. 10) are DENIED, and the Magistrate Judge's Report and Recommendation (Doc. 4) is ADOPTED.
2. That Petitioner's Application for Writ of Habeas Corpus (Doc. 1) is DENIED with prejudice.
3. That a Certificate of Appealability shall not issue.

Dated this 15 day of August, 2014.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

By: Jennifer Stevens
Deputy